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Renesas Electronics America Inc.*

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ANDREW REIBMAN,

Plaintiff,

v.

RENESAS ELECTRONICS AMERICA INC.,

Defendant.

Case No. 3:11-CV-03847-JCS

Magistrate Judge Joseph C. Spero

**RENESAS ELECTRONICS AMERICA
INC.'S STATEMENT OF RECENT
DECISION RELEVANT TO REPLY IN
SUPPORT OF RENESAS
ELECTRONICS AMERICA INC.'S
MOTION TO MODIFY THE
PROTECTIVE ORDER**

Date: May 9, 2014

Time: 9:30 a.m.

**Courtroom: G, 15th Floor, SF
Judge Joseph C. Spero**

Pursuant to Local Rule 7-3(d), Defendant Renesas Electronics America Inc. ("REA") submits the following Statement Of Recent Decision relevant to REA's Reply In Support Of REA's Motion To Modify The Protective Order (Dkt No. 197) ("Reply").

On April 22, 2014 (after REA's Reply was filed), the appellate court in the Mitsubishi Case¹ entered a decision that, *inter alia*, affirmed the lower court's order for a new trial as to damages, and affirmed the denial of Mitsubishi's motion for judgment notwithstanding the verdict (the "Opinion"). (*See* Opinion at 8-12, a true and correct copy is attached hereto as Ex. A.) The Opinion is silent as to when a potential re-trial will occur, or whether discovery will re-open.

The Opinion affects the statement made by REA in its Reply that "[t]he Mitsubishi case is currently on appeal and discovery in that case is closed . . . [t]here is no indication that the Mitsubishi Case will be re-litigated, let alone discovery in that case be re-opened." (Dkt No. 196 at 2; Dkt No. 197 at 3). This statement was made in rebuttal to Grail's claim that REA seeks to funnel discovery to Mitsubishi in the Mitsubishi Case. (*See* Dkt No. 196 at 2.) While the entry of the Opinion indicates that the Mitsubishi Case may no longer be on appeal, for the reasons stated in REA's Reply, this does not affect REA's Motion To Modify The Protective Order. (*See, e.g.*, Dkt No. 197 at 3 (stating "even if discovery resumes in that case [the Mitsubishi Case] . . . Grail possesses the same documents that Grail produced to REA. Mitsubishi—or any other party in that case—could simply request the documents from Grail."))

Wherefore, REA respectfully requests that its Motion To Modify The Protective Order be GRANTED.

Dated: April 23, 2014

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

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By: /s/ Peter G. Hawkins

One of the Attorneys for Defendant
RENESAS ELECTRONICS AMERICA INC.

¹ The "Mitsubishi Case" refers to the litigation discussed in REA's Reply. (Dkt No. 197 at 3, fn. 2.) RENESAS ELECTRONICS AMERICA INC.'S STATEMENT OF RECENT DECISION RELEVANT TO REPLY IN SUPPORT OF RENESAS ELECTRONICS AMERICA INC.'S MOTION TO MODIFY THE PROTECTIVE ORDER -- CASE NO. 3:11-CV-03847-JCS

CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2014 the foregoing document was filed electronically with the Clerk of Court to be served by operation of the Court's Electronic Case Filing system upon all counsel of record. Counsel includes:

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I hereby certify that on April 23, 2014 the foregoing document was served via U.S. Mail
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